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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,441	02/05/2004	Arman Gilbert Bourgoin	WH 11 723US	3184
24962	7590	11/22/2005	EXAMINER	
DENNISON ASSOCIATES 133 RICHMOND STREET WEST SUITE 301 TORONTO, ON M5H 2L7 CANADA			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/771,441	<b>Applicant(s)</b> BOURGOIN ET AL.	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.  
 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-10 and 17-41 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☒ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Invention I. in the reply filed on Aug. 19, 2005 is acknowledged.

Claims 11-16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Aug. 19, 2005.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coded area defined in claim 6 and the two labeling tabs defined in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-10 and 17-30 are objected to because of the following informalities: In claim 1, line 2, "aback" should apparently be "a back". In claim 1, line 8, "applied either side of labeling tab" should apparently be "applied to either side of the labeling tab". In claim 4, lines 2-3, and claims 6 and 8, line 2, "paper stock" should be "paper substrate support layer" since there is no antecedent basis for "paper stock". In claim 6, line 2, "an coded area" should be "a coded area". In claim 17, line 14, "an treated" should apparently be "a treated". In claim 28, line 1, "file substrate" should apparently be "file folder". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-10 and 17-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 10-12, stating that the film is adhered to the folder is confusing since the film is part of the folder. The film is adhered to the paper substrate support layer and the two layers form the folder. In claim 1, lines 12-13 and claim 5, lines 2-3, these lines are confusing since the film is part of the folder so the film actually covers the paper substrate support layer of the folder. In claim 10, line 2, it is not clear whether the two tabs include the tab defined in claim 1

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or are in addition to the tab defined in claim 1. In claim 17, lines 6-8, stating that the film is secured to the folder is confusing since the film is part of the folder. The film is secured to the paper stock and the two layers form the folder. In claim 27, line 2 is indefinite since it is not clear whether the labels are the same as the ones defined in claims 25 and 26.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4-8,10,17-20,24-26,28-37,40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. (U.S. Patent No. 5,197,764) in view of Law et al. (U.S. Patent No. 6,537,407) and Hawes, Jr. et al. (U.S. Patent No. 5,275,439).

Hicinbothem et al. shows in figures 1-4 a file folder comprising a front panel (210 or in the alternate 212) and a back panel (212 or in the alternate (210), and a labeling tab (270).

Hicinbothem et al. does not disclose placing a cellulous reinforcing film on the front and back panels. Law et al. discloses in column 1, lines 6-64 the idea of placing a cellulous reinforcing film over a printed substrate. Hawes, Jr. shows in figures 1-3 the idea of placing a reinforcing film (24) over the outer surfaces of the front and back panels. In view of the teachings of Law et al. and Hawes, Jr. it would have been obvious to one in the art to modify Hicinbothem et al. by attaching a cellulous reinforcing film to the front and back panels of the folder since this would protect the folder from finger marking, scratching, scuffing and abrasion as taught by Law et al., column 3, lines 26-35 and placing the reinforcing film on the front and back panels would

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protect the entire outer surfaces of the folder in a better manner. In regard to claim 4, Hicinbothem et al. shows in figure 1 printing on the surface of the folder which would be visible through the reinforcing film. In regard to claim 6, Hicinbothem et al. discloses the use of coded areas (280) and the areas can be considered color coded white. Further, Hicinbothem et al. teaches the use of color labels and it is considered within one skilled in the art to color print the coded areas for better identification purposes as well as for aesthetic qualities. In regard to claim 7, the entire outer surfaces would be covered by the reinforcing film. In regard to claims 8 and 28, it is considered within one skilled in the art to vary the thickness of the paper stock and film as desired. In regard to claim 10, Hicinbothem et al. shows a second tab (260). In regard to claims 18,19,24,26,33,36, and 41, the reinforcing film taught by Law et al. is the same material used by the applicant so it inherently includes all of the same characteristics. In regard to claim 25, Hicinbothem et al. teaches the use of adhesive labels (100a-100g). In regard to claim 29, Hicinbothem et al. discloses that the file can be used for medical records, column 5, lines 65-68. In regard to claim 30, it is considered within one skilled in the art to use the files can be used for any purpose as desired. In regard to claim 32, it is considered within one skilled in the art to use any known type of adhesive (water based adhesive) to secure the reinforcing layer as desired. In regard to claim 35, it is considered within one skilled in the art to use any known type of adhesive (water based adhesive) to secure the labels as desired.

Claims 2,3,21-23,27,38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. (U.S. Patent No. 5,197,764) in view of Law et al. (U.S. Patent No.

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6,537,407) and Hawes, Jr. et al. (U.S. Patent No. 5,275,439) as applied to claims 1,17, and 31 above and further in view of Bohlman (U.S. Patent No. 4,813,711).

Hicinbothem et al. in view of Law et al. and Hawes, Jr. et al. disclose the applicant's basic inventive concept except for writing indicia on the reinforcing film. Bohlman shows in figures 1-3 that it is known to place indicia (7) on a base layer (3) and cover both sides of the base layer with transparent sheets (67,67) and then to write indicia on top of the transparent sheets. In view of the teachings of Bohlman it would have been obvious to one in the art to modify Hicinbothem et al. in view of Law et al. and Hawes, Jr. et al. since this would allow additional information (identifying information, date information, instruction information, deadline information, etc.) to be easily added to and removed from the folder in an easier and faster manner. In regard to claims 21 and 27, it is considered within one skilled in the art to place any particular message on the reinforcing sheet as desired. The particular message placed on the reinforcing sheet is not a patentable feature.

Claims 1,4-10,17-20,24-26,28-37,40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. (U.S. Patent No. 5,197,764) in view of Law et al. (U.S. Patent No. 6,537,407) and Horwitz (U.S. Patent No. 4,806,397) or Kuhns et al. (U.S. Patent No. 5,090,732).

Hicinbothem et al. shows in figures 1-4 a file folder comprising a front panel (210 or in the alternate 212) and a back panel (212 or in the alternate (210), and a labeling tab (270).

Hicinbothem et al. does not disclose placing a cellulous reinforcing film on the front and back panels. Law et al. discloses in column 1, lines 6-64 the idea of placing a cellulous reinforcing

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film over a printed substrate. Horwitz shows in figures 1-3 the idea of placing a reinforcing film (22,24) over the outer and inner surfaces of the front and back panels. Kuhns et al. shows in figures 1-10 the idea of placing a reinforcing film (5,7) over the outer surfaces of the front and back panels. In view of the teachings of Law et al. and Horwitz or Kuhns et al. it would have been obvious to one in the art to modify Hicinbothem et al. by attaching a cellulous reinforcing film to the front and back panels of the folder since this would protect the folder from finger marking, scratching, scuffing and abrasion as taught by Law et al., column 3, lines 26-35 and placing the reinforcing film on the front and back panels would protect the entire outer surfaces of the folder in a better manner. In regard to claim 4, Hicinbothem et al. shows in figure 1 printing on the surface of the folder which would be visible through the reinforcing film. In regard to claim 6, Hicinbothem et al. discloses the use of coded areas (280) and the areas can be considered color coded white. Further, Hicinbothem et al. teaches the use of color labels and it is considered within one skilled in the art to color print the coded areas for better identification purposes as well as for aesthetic qualities. In regard to claim 7, the entire outer surfaces would be covered by the reinforcing film. In regard to claims 8 and 28, it is considered within one skilled in the art to vary the thickness of the paper stock and film as desired. In regard to claim 10, Hicinbothem et al. shows a second tab (260). In regard to claims 18,19,24,26,33,36, and 41, the reinforcing film taught by Law et al. is the same material used by the applicant so it inherently includes all of the same characteristics. In regard to claim 25, Hicinbothem et al. teaches the use of adhesive labels (100a-100g). In regard to claim 29, Hicinbothem et al. discloses that the file can be used for medical records, column 5, lines 65-68. In regard to claim 30, it is considered within one skilled in the art to use the files can be used for any purpose as

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desired. In regard to claim 32, it is considered within one skilled in the art to use any known type of adhesive (water based adhesive) to secure the reinforcing layer as desired. In regard to claim 35, it is considered within one skilled in the art to use any known type of adhesive (water based adhesive) to secure the labels as desired.

Claims 2,3,21-23,27,38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicinbothem et al. (U.S. Patent No. 5,197,764) in view of Law et al. (U.S. Patent No. 6,537,407) and Horwitz (U.S. Patent No. 4,806,397) or Kuhns et al. (U.S. Patent No. 5,090,732) as applied to claims 1,17, and 31 above and further in view of Bohlman (U.S. Patent No. 4,813,711).

Hicinbothem et al. in view of Law et al. and Horwitz or Kuhns et al. disclose the applicant's basic inventive concept except for writing indicia on the reinforcing film. Bohlman shows in figures 1-3 that it is known to place indicia (7) on a base layer (3) and cover both sides of the base layer with transparent sheets (67,67) and then to write indicia on top of the transparent sheets. In view of the teachings of Bohlman it would have been obvious to one in the art to modify Hicinbothem et al. in view of Law et al. and Horwitz or Kuhns et al. since this would allow additional information (identifying information, date information, instruction information, deadline information, etc.) to be easily added to and removed from the folder in an easier and faster manner. In regard to claims 21 and 27, it is considered within one skilled in the art to place any particular message on the reinforcing sheet as desired. The particular message placed on the reinforcing sheet is not a patentable feature.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg  
Nov. 14, 2005

  
BRIAN K. GREEN  
PRIMARY EXAMINER